

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

<p>IN RE CATTLE ANTITRUST LITIGATION</p> <p><i>This document relates to:</i></p> <p>ALL CASES</p>	<p>Case No. 0:19-cv-01222-JRT-HB</p> <p><i>Second Joint Status Report</i></p>
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On June 28, 2019, the parties submitted their First Joint Status Report (ECF No. 87). As stated in that report, the parties agreed that they would file another joint status report setting forth an update on their respective positions on preliminary case management issues. Pursuant to that agreement, the parties hereby submit this Second Joint Status Report.

I. UPDATE OF PARTIES TO LITIGATION

On October 4, 2019, Plaintiffs filed their Second Amended Complaint (ECF No. 125). The new complaint no longer names Marfrig Global Foods S.A. (“Marfrig”) as a defendant, and Plaintiffs and Marfrig submitted to the Court a stipulation of dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii). Dkt. No. 126.

The Defendants named in the Second Amended Complaint plan to file new motions to dismiss to address the amended complaint, and a request for a revised briefing schedule for that motion practice has been proposed to the Court via a separate pleading.

II. OTHER DISCOVERY: PROTOCOLS FOR ELECTRONICALLY STORED AND CONFIDENTIAL INFORMATION

In the First Joint Status Report, Plaintiffs and Defendants stated they agreed during the pendency of motions to dismiss to continue their discussions on discovery-related matters. To this end, the parties have negotiated and exchanged multiple drafts of proposed Protective Orders and

Electronically Stored Information (ESI) Protocols. In addition, Plaintiffs have coordinated with plaintiffs and defendants in the *Peterson v. Agristats, Inc.*, Case No. 0:19-cv-01129-JRT-HB, litigation in an effort to have consistent ESI protocols and protective orders in the two litigations, recognizing the efficiency which would be served through such coordination. Although the parties have agreed upon many of the provisions in both the ESI Protocols and Protective Orders, they have reached an impasse on resolving differences over some few, select provisions. Notably, one issue in these documents has arisen between the parties of this consolidated action that is *not* an issue in *Peterson*, and it will need to be addressed separately by this Court at the appropriate time.

The parties now seek the Court's guidance on how best to bring these issues to the Court for consideration.

III. DISCOVERY PRIOR TO RULING ON MOTION TO DISMISS

Plaintiffs and Defendants have also met and conferred in an attempt to agree the extent to which discovery should occur while Defendants' anticipated motions to dismiss are pending. As discussed above, the parties have already agreed to proceed with negotiating and finalizing an ESI Protocol and a Protective Order.

The parties have reached an impasse on this issue and therefore seek the Court's guidance on how best to bring the matter to the Court for consideration.

Dated: October 22, 2019

Respectfully submitted,

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